

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**MANUEL CHAVEZ,**

**Plaintiff,**

**v.**

**No. CIV 15-0734 LAM**

**CAROLYN W. COLVIN,  
Acting Commissioner of the Social  
Security Administration,**

**Defendant.**

**ORDER TO SHOW CAUSE**

**THIS MATTER** is before the Court on Plaintiff's *Application to Proceed in District Court Without Prepaying Fees or Costs* (Doc. 2), filed August 21, 2015. Pursuant to 28 U.S.C. § 1915(a), a district court may authorize a plaintiff to commence a civil case if the plaintiff submits an affidavit that shows a financial inability to pay the required fees. *Lister v. Dept. of the Treasury*, 408 F.3d 1309, 1312 (10th Cir. 2005). When considering a §1915(a) motion, the Court is to determine whether the statements in the affidavit satisfy the requirement of poverty. *Id.* at 1312 (“[I]n order to succeed on a motion to proceed [*in forma pauperis*], the movant must show a financial inability to pay the required filing fees.”). *Id.* In his application, Plaintiff states that his spouse receives \$1,600.00 per month in income and that he receives \$180.00 per month in food stamps. [Doc. 2 at 1-2]. Plaintiff states that his spouse pays \$1,120.00 per month in expenses. *Id.* at 4-5. In assessing Plaintiff's ability to pay the required fees, the Court may consider the resources available to Plaintiff, including his spouse's income. *See, e.g., Bruton v. Colvin*, No. 4:14-CV-083-A, 2014 WL 840993 (N.D. Tex. March 4, 2014) (unpublished) (explaining that “it is appropriate to consider a spouse's income” when making an *in forma*

*pauperis* decision) (footnote and citations omitted). Because Plaintiff's spouse's monthly income exceeds the couple's monthly expenses by more than \$600 per month, it appears at this time that Plaintiff may have the ability to pay the filing fee. The Court will allow Plaintiff an opportunity to either respond to this Order to Show Cause with more information that would justify *in forma pauperis* status, or to pay the filing fee of \$400.00.

**IT IS THEREFORE ORDERED** that, by **September 16, 2015**, Plaintiff shall either file a response to this Order to Show Cause with more information that would justify *in forma pauperis* status, or pay the filing fee.

**IT IS SO ORDERED.**

  
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**LOURDES A. MARTÍNEZ**  
**UNITED STATES MAGISTRATE JUDGE**